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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Anglican Consultative Council, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[15 April 1998]

GE.98-12668 (E)

1. The Anglican Consultative Council, through the Anglican Communion Office at the United Nations, representing 70 million persons in 165 different countries around the world is pleased to share its thoughts before the esteemed delegates and representatives of this fifty-fourth session of the United Nations Human Rights Commission.

2. The Anglican United Nations Office wishes to share its deep concern about the continued political crisis in East Timor. Reports from a number of sources still indicate a high level of tension within the region. Of particular concern is the continued pattern of human rights abuses against the people of East Timor by Indonesian military forces. Part of the reason for the escalation in human rights abuses appears to be due to the reluctance of the Government of Indonesia to prevent its armed forces from committing unlawful abuses. Clearly there is much to be done by Indonesia's military forces in abiding by international humanitarian standards which seek to protect innocent civilians, non-combatants, and those taken prisoner during conditions of armed conflict.

3. The problem which continues to persist in the region is exacerbated by the dominance of weapons, small arms, and continuous re-supply of military hardware. Amnesty International, in a June 1997 report, brought to light the fact that the sale of arms and transfers of military equipment continue to undermine human rights in Indonesia and East Timor.

4. As a community of faith concerned about the sanctity of life and affirming the dignity of every human being, we are quite distressed to learn about the efforts of various Governments to sell or to transfer various kinds of military and security equipment to the Indonesian military forces. These weapons have been misused for the purpose of intimidating peaceful demonstrations or others engaged in non-violent civil protests against the Government.

5. Amnesty reports indicated that submachine guns, supplied in 1995 by a European country, were used by Indonesian security forces. Assault rifles, under a licence from another country in Europe, were made in Indonesia and used by security forces. There have been reports of foreign companies based in Europe providing firearms, marksmanship and counter-insurgency training to the Indonesian military. The sale of armoured personnel carriers and water canons with chemical dye, sales of armoured patrol vehicles fitted with machine guns, and the sale of other military equipment by other countries have undermined opportunities for peace in the region.

6. If progress towards a peaceful settlement is to be achieved, then an international ban on weapons sales to the Indonesian military forces is clearly necessary. We therefore urge the Commission to press its member Governments to desist from the sale of weapons to combatant forces in Indonesia.

7. It is indeed disturbing to learn that despite the creation of a National Commission on Human Rights, certain police and military units continue to tolerate acts of violence, random murder and torture against the civilian population. Clearly, in the interest of justice and fundamental

human rights, the Government of Indonesia must make stronger efforts to ensure that such practices do not continue. In this context, we urge the Commission to urge the Government of Indonesia to:

(a) Respect and defend the rights of those who may choose to express dissenting opinions through peaceful means;

(b) Support the creation of a civilian police force consistent with the recommendation of the United Nations Special Rapporteur in his November 1994 report;

(c) Closely monitor the conduct of its police and military forces and assume responsibility for ensuring that civilians are not subjected to human rights violations, torture, summary arrest or acts of murder; the military and police forces are also to refrain from torturing prisoners and engaging in other forms of ill-treatment;

(d) Develop an independent, fair and transparent judiciary in East Timor that will hold trials and dispense justice in strict conformity with international standards of fairness;

(e) Provide access to independent international human rights monitors.

8. The interests of justice and the defence of fundamental human rights require that Governments take an active role in protecting civil liberties and fundamental human freedoms. Clearly, the continuing violence in East Timor reveals how much progress still needs to be made by the Government of Indonesia. At the same time, meaningful efforts to ensure peace in East Timor can only occur if the international community cooperates to make this possible. The sale of arms and security equipment to the Government's military and security forces clearly counteracts efforts to bring about lasting peace in the region. Such activities need to cease in the interests of peace and regional security.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Liberation, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[15 April 1998]

1. Liberation is deeply concerned about the rapidly deteriorating human rights situation in Sri Lanka. Liberation wishes to recall the appeals made to this Commission on Human Rights year after year from 1984 by various non-governmental organizations, Sub-Commission members and members of the Commission about the deteriorating human rights situation in Sri Lanka. Appeals were made in this forum requesting the Sri Lankan Government and parties to the conflict to adhere to the principles of international human rights law and humanitarian law. But day by day the situation in Sri Lanka is worsening as regards its human rights record.

2. In the latest report of the Working Group on Enforced or Involuntary Disappearance, the working group has expressed serious concern about the increasing number of disappearances during the past year, 1997. The total number of disappearances is said to be the highest since 1990. During the year 1996-1997, there were 694 new cases of disappearances reported newly.

3. Liberation appeals to the Commission to take strong action against the Sri Lankan Government. Sri Lanka stands as the second country regarding the highest number of disappearances in the whole world. There is massive violations of human rights in the occupied area by the Sinhala army. There is arbitrary arrest on a massive scale. There is torture and extrajudicial killings of Tamil youths by the Sinhala army in the areas occupied by them after October 1995.

4. A new phenomena: "Rape as a weapon of war" is glaringly visible in the armed conflict. The Sinhala army soldiers are vigorously pursuing a policy of raping women as a method of winning war. On 15 July 1997, a young Tamil girl in Araly, South in Jan, was raped and beaten. On 16 July 1997, a 20-year old teacher, Kanapathypillai Santhirakala, was gang raped by the army soldiers between her work place and her home in Karanavai in Vadamarachy, Jan district.

5. On 16 October 1997, Mrs. Thangarajah a 49-year old woman, was raped and murdered by Sri Lankan police and home guards in Amparai district. Hundreds of cases of rape could be brought to the attention of Commission members with full details. Violence against women is a serious crime that this Commission should take note of. The Commission must persuade the Sri Lanka Government, by way of resolution, to stop this war crime.

6. There are reported cases of frequent massacres of innocent civilians by the Sinhala army and police forces. The massacre of civilians in Thampalakam reported on 1 February 1998 is an example. The police at Thempalakam forcibly entered Tamil homes, pulled out the males and killed them in a gruesome manner.

7. On 12 December 1997, three Tamil political prisoners were killed and many were seriously injured at Kalutara prison. This was in retaliation by prison guards on account of the peaceful protest by 217 Tamil political prisoners for threatening them inhumanely in the place of detention. Though Amnesty International protested to the Minister of Justice, it is feared that Government will not take any action against the prison guards or any others involved in this massacre.

8. The massacres of 24 civilians at Kumarapuram, at Trincomalee district, killing of 16 civilians at Nachkuda and the massacre of Tamil civilians at Kilali are another few examples, and the Commission should take serious note of these massacres and appoint a special rapporteur to investigate these killings.

9. Harassment of the Tamils go unabated and it has become a nightmare for the Tamils to go on the roads. Their houses are raided in the night at ungodly hours and many of them, including women and children, are taken to the police stations and inhumanely treated. Torture is practised on a wide scale. This has become a daily occurrence in the city of Colombo and suburbs.

10. The recent offensive by the Sri Lankan army to open a land route to Jaffna has resulted in the displacement of 200,000 Tamils from the original places of habitation. These internally displaced refugees suffer without food and good drinking water. Many hundreds of Tamils are wandering in the jungles of Wanni and Mullaitivu. Some of them had been taken to Vavuniya, a detention camp which is under the control of the Sri Lankan army. They are not allowed by the army and the Sri Lankan Government to relocate themselves in the areas of their choice. There is starvation among these internally displaced refugees.

11. Liberation appeals to the members of the Commission to take remedial steps to stop this deterioration of the situation in Sri Lanka. Due to the constraints of time I am unable to elaborate the other violations in Sri Lanka which are gross and continuing.

12. We urge the United Nations Commission on Human Rights at its fifty-fourth session, to send an investigation team to report on the violations of human life in Sri Lanka. Liberation appeals to this Commission to remove the occupying army from Jaffna peninsula and the districts of Amparai, Batticaloa and Trincomalee. These would enhance the peace process and pave the way for an everlasting peace.

13. We appeal to the Commission to appoint a special rapporteur to investigate and report on the serious violations of human rights that are gross and continuing for the last 50 years in Sri Lanka.